

## **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. **(Currently Amended)** A method in a communication device, the method comprising:
  - detecting in the communication device an activation of a user interface by a first user input;
  - in response to detection of the first user input, enabling a first muting mode ~~[[in]]~~ for uplink audio sent from the communication device;
  - detecting in the communication device an activation of the user interface by a second user input; and
  - in response to detection of the second user input, disabling the first muting mode and enabling a second muting mode ~~[[in]]~~ for uplink audio sent from the communication device.
2. **(Currently Amended)** The method of claim 1, further comprising:
  - detecting activation of the user interface by a third user input; and
  - in response to detection of the third user input, disabling the second muting mode ~~[[in]]~~ for uplink audio sent from the communication device.
3. **(Currently Amended)** The method of claim 2, further comprising:
  - providing an alert upon the disabling of at least one of the first muting mode and the second muting mode ~~[[in]]~~ for uplink audio sent from the communication device.
4. **(Currently Amended)** The method of claim 1, wherein the first muting mode is one of
  - a full muting mode in which there is no uplink audio from the communication device, and
  - a concealed muting mode in which the uplink audio from the communication device consists of only ambient noise.

5. (Original) The method of claim 4, wherein the second muting mode is the other one of the full muting mode and the concealed muting mode.
6. (Original) The method of claim 1, wherein:
  - the activation of the user interface by the second user input is detected in the communication device during a pre-determined time interval; and
  - in response to the detection of the second user input during the pre-determined time interval, disabling the first muting mode and enabling a second muting mode in the communication device.
7. (Original) The method of claim 6, wherein the pre-determined time interval is approximately one second.
8. (Original) The method of claim 1, further comprising:
  - providing a first alert upon the enabling of the first muting mode in the communication device.
9. (Original) The method of claim 8, further comprising:
  - providing a second alert upon the enabling of the second muting mode in the communication device.

10. **(Currently Amended)** The communication device, comprising:
- a user interface responsive to user input; and
  - a controller, communicatively coupled to the user interface, for:
    - detecting in the communication device an activation of the user interface by a first user input;
    - in response to detection of the first user input, enabling a first muting mode [[in]] for uplink audio sent from the communication device;
    - detecting in the communication device an activation of the user interface by a second user input; and
    - in response to detection of the second user input, disabling the first muting mode and enabling a second muting mode [[in]] for uplink audio sent from the communication device.
11. **(Currently Amended)** The communication device of claim 10, further comprising:
- a first mute controller communicatively coupled to the controller for providing the first muting mode [[in]] for uplink audio sent from the communication device; and
  - a second mute controller communicatively coupled to the controller for providing the second muting mode [[in]] for uplink audio sent from the communication device.
12. **(Currently Amended)** The communication device of claim 11, wherein the first mute controller is for providing one of
- a full muting mode in which there is no uplink audio from the communication device, and
  - a concealed muting mode in which the uplink audio from the communication device consists of only an ambient noise level signal.
13. (Original) The communication device of claim 12, wherein the second mute controller is for providing the other one of the full muting mode and the concealed muting mode in the communication device.

14. (Original) The communication device of claim 10, further comprising:  
a timer, communicatively coupled with the controller, for selectively providing a timer value to the controller, and wherein  
the activation of the user interface by the second user input is detected in the communication device during a pre-determined time interval; and  
in response to the detection of the second user input during the pre-determined time interval, disabling the first muting mode and enabling a second muting mode in the communication device.
15. (**Currently Amended**) The communication device of claim 10, further comprising:  
an alert circuit, communicatively coupled to the controller, for providing alerts to a user of the communication device, and wherein the alert circuit ~~for providing~~ provides a first alert upon the enabling of the first muting mode in the communication device.
16. (**Currently Amended**) The communication device of claim 15, wherein the alert circuit ~~for providing~~ provides a second alert upon the enabling of the second muting mode in the communication device.
17. (**Currently Amended**) The communication device of claim 16, wherein the alert circuit ~~for providing~~ provides a third alert upon the disabling of at least one of the first muting mode and the second muting mode in the communication device.
18. (Original) The communication device of claim 10, wherein the first muting mode is one of a full muting mode and a concealed muting mode.
19. (Original) The communication device of claim 18, wherein the second muting mode is the other one of the full muting mode and the concealed muting mode.
- 20-22. (**Canceled**)

23. **(New)** A communication device, comprising:

- a noise sampler for sampling an ambient noise level of the environment in which the communication device is operating, and for producing an ambient noise level signal representative of the ambient noise level;

- an analog-to-digital converter coupled to the noise sampler;

- a microphone for capturing audio comprising audio of a near-end user of the communication device;

- a switch for selectively coupling the microphone to the analog-to-digital converter;

- a user interface responsive to user input, for allowing a user to select uplink audio from the communication device;

- a memory for storing an ambient noise level signal; and

- a controller, communicatively coupled to the user interface, to the noise sampler, to the analog-to-digital converter, to the microphone, and to the switch, the controller for detecting a user input, and, in response to the user input, actuating the switch for establishing as uplink audio one of:

- only audio captured by the microphone,

- only the ambient noise level signal from the memory, and

- no audio.

24. **(New)** The communication device of claim 23, including an alert circuit for providing an alert each occasion that the switch is actuated.

25. **(New)** The communication device of claim 23, in which the noise sampler periodically samples the ambient noise level of the environment in which the communication device is operating, and periodically produces an ambient noise level signal representative of the latest ambient noise level, and in which the controller updates the memory with the ambient noise level signal representative of the latest ambient noise level.